

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EVANS STROMAN,)	
Plaintiff,)	
)	
v.)	Civil No. 24-12853-JCB
)	
COMMONWEALTH OF)	
MASSACHUSETTS,)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

November 22, 2024

Boal, M.J.

Plaintiff Evans Stroman, who is confined to the Bristol County Jail and House of Correction and represents himself, has filed a letter accompanied by several documents concerning events arising out of two civil lawsuits that he previously filed in this court. Docket No. 1. Stroman did not file a complaint. He also did not pay the filing fee or a motion for leave to proceed in forma pauperis. For the reasons set forth below, if Stroman wishes to proceed with a civil action, the Court directs him to file a complaint and resolve the filing fee issue.

I. FILING OF A COMPLAINT

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Stroman’s 18-page letter is typewritten and addressed to a senior judge of this court seeking an FBI investigation. Docket No. 1. Stroman writes by hand at the top of the first-page that his “life is in danger due to the civil lawsuit [he] filed in Federal Court in 2008-2011 against Bristol County & the DOC.” Id.

As an initial matter, Stroman’s letter does not constitute a complaint. Even if the Court

were to construe the letter as a complaint, the Court notes that it does not have the power to initiate an investigation See generally In re United States, 441 F.3d 44, 58 (1st Cir 2006) (noting that "the federal courts in the American criminal justice system generally do not have the power to act as investigators or prosecutors of misconduct," and that "such powers are usually exercised by the grand jury and the executive branch.").

Accordingly, to the extent the Stroman wishes to proceed, he is granted time to file a complaint that complies with the basic pleading requirements of the Federal Rules of Civil Procedure.

II. FILING FEE

Further, if Stroman wishes to pursue this action by filing a complaint, he must also pay a \$350 filing fee and the \$55 administrative fee or file a request to proceed without prepayment of the fee (often referred to as a motion for leave to proceed in forma pauperis). Where, as here, the plaintiff is a prisoner, a motion for waiver of prepayment of the filing fee must be accompanied by "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2).

Unlike other civil litigants, prisoner plaintiffs are not entitled to a complete waiver of the filing fee, notwithstanding the grant of in forma pauperis status. Based on the information contained in the prison account statement, the Court will direct the appropriate prison official to withdraw an initial partial payment from the plaintiff's account, followed by payments on a monthly basis until the entire \$350.00 filing fee is paid in full. See 28 U.S.C. § 1915(b)(1)-(2). Even if the Court dismisses the action upon a preliminary screening, see 28 U.S.C. §§ 1915(e)(2),

1915A, or Stroman is otherwise unsuccessful in this action, he remains obligated to pay the \$350 filing fee.¹ Additionally, indigent prisoners who have had three or more actions dismissed as “frivolous, malicious, or [for] fail[ure] to state a claim” may not “bring a civil action or appeal a judgment” in forma pauperis unless they are “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). It appears that Stroman is such a prisoner. See Stroman v. Spence, et al., No. 07-cv-12261-RWZ (D. Mass. Aug. 20, 2009); Stroman v. Commonwealth of Massachusetts, No. 10-cv-40083-FDS (D. Mass. Nov. 9, 2010); Stroman v. Bristol County District Attorney’s Office, No. 23-cv-11557-LTS (D. Mass. Nov. 15, 2023).

III. ORDER

Given that Stroman is proceeding pro se and it is unclear whether he seeks to initiate a civil action, he will be granted an opportunity to file a complaint and address the filing fee issue. If Stroman wishes to pursue a civil action, he must, by December 27, 2024, file a complaint accompanied by either the \$405 filing fee or a motion for leave to proceed in forma pauperis with a six-month certified prison account statement. Failure to do so may result in dismissal of this action.

SO ORDERED.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
United States Magistrate Judge

¹ The \$55 administrative fee is waived for a prisoner proceeding in forma pauperis.